



## State of Missouri

### DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE: )  
 )  
Michael D. Akins, )  
 )  
Applicant. ) Case No. 110531529C  
 )  
Serve at: )  
 )  
3175 Fee Fee Rd. )  
Bridgeton, MO 63044 )

### ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On July 5, 2011, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue Michael D. Akins' insurance producer license. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and summary order.

### FACTUAL BACKGROUND

1. Michael D. Akins ("Akins") is an individual residing in Missouri. His mailing, business, and residence address is 3175 Fee Fee Rd., Bridgeton, Missouri 63044.
2. On February 15, 2010, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Insurance Producer License ("Application") from Akins.
3. On the Application, in the section titled "Background Questions," Background Question # 1 asks, "Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?"
4. Akins answered "No" to Background Question # 1.
5. On or about November 24, 2003, Akins was charged with Domestic

Battery by the Madison County, Illinois State's Attorney Office. On February 23, 2004, Akins entered a guilty plea and was ordered to pay a \$140 fine. Akins did not disclose the 2004 Domestic Battery conviction on his Application. *See State of Illinois v. Michael D. Akins*, Madison County Circuit Court, Case No. 03CM5219.

6. On the Application, in the section titled "Background Questions," Background Question # 7 asks, "Do you have a child support obligation in arrearage?" Akins answered "Yes" to Background Question # 7 and explained that he was 18 months in arrearage.
7. Akins stated in an attached letter dated February 16, 2010, that he was behind in child support due to lack of employment, but that he and the mother had an understanding that he "will be diligent on getting current upon employment."
8. On February 26, 2010, Consumer Affairs Division Special Investigator Sheri Sloan ("Sloan") sent a letter via email to Akins requesting that Akins provide additional information concerning his reported child support arrearage. A response was due by March 20, 2010. Akins did not respond with the requested information and did not contact the Department in any way to provide a reasonable justification for a delayed response.
9. On February 28, 2011, the Circuit Court of Madison County, State of Illinois, entered a Child Support Order against Akins. Akins is required to pay \$0 in current child support and \$200 per month in back child support, effective January 1, 2011, pursuant to the Child Support Order. Included with the court records is a copy of Akins' child support payment history. The records show that Akins paid a total of \$63.36 in 2008 and \$337.84 in 2009. No child support payments were reported for Akins for the years 2010 and 2011.
10. On March 18, 2010, the Madison County Circuit Clerk's office provided certified copies of Default Child Support Orders dated May 12, 2008 and August 25, 2008. The May 12, 2008 Order required Akins to pay \$560 per month for child support beginning on February 15, 2008. The August 25, 2008 Order required Akins to pay an additional \$50 per month toward the \$28,920 child support arrearage. The Order indicated Akins would be required to pay an additional \$122 per month, should he become delinquent on his payments.
11. On March 30, 2010, Sloan sent Akins a second request for information, with a copy of the February 26, 2010 letter attached, to his address of

record. A response was due by April 24, 2010. Akins did not respond with the requested information and did not contact the Department in any way to provide a reasonable justification for a delayed response.

### CONCLUSIONS OF LAW

12. Section 375.141 RSMo (Supp. 2010),<sup>1</sup> provides, in part:

1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

- (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
- (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
- (3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

\* \* \*

- (6) Having been convicted of a felony or crime involving moral turpitude;

\* \* \*

- (13) Failing to comply with an administrative or court order imposing a child support obligation[.]

13. Title 20 CSR 100-4.100 Required Response to Inquiries by the Consumer Affairs Division provides, in relevant part:

(2)(A) Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

---

<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (Supp. 2010) unless otherwise noted.

14. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. 2000) (internal citations omitted).
15. The principal purpose of § 375.141 is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. 1984).
16. Akins may be refused an insurance producer license pursuant to § 375.141.1(1), because by failing to disclose his 2004 Domestic Battery conviction (Case No. 03CM5219), Akins intentionally provided materially incorrect information on his license Application. *See State of Illinois v. Michael D. Akins*, Madison County Circuit Court, Case No. 03CM5219.
17. Akins may be refused an insurance producer license pursuant to § 375.141.1(2), because by failing to respond to the Consumer Affairs Division's March 30, 2010 letter, Akins violated a Missouri insurance regulation, namely 20 CSR 100-4.100(2)(A).
18. Akins may be refused an insurance producer license pursuant to § 375.141.1(3), because the 2004 Domestic Battery conviction was material to Akins' Application, and Akins attempted to obtain a license through material misrepresentation by not disclosing the conviction. *See State of Illinois v. Michael D. Akins*, Madison County Circuit Court, Case No. 03CM5219.
19. Akins may be refused an insurance producer license pursuant to § 375.141.1(6), because he was convicted in 2004 of Domestic Battery, a crime involving moral turpitude. *See State Board of Nursing v. Jerry Raymond*, No. 04-1621 BN (Mo. Admin. Hrg. Comm'n June 29, 2005).
20. Akins may be refused an insurance producer license pursuant to § 375.141.1(13), because as evidenced by the three Default Child Support Orders dated May 12, 2008, August 25, 2008, and February 28, 2011, and Akins' failure to make payments according to the terms of those Orders, Akins has repeatedly failed to comply with a court order imposing a child support obligation.
21. The Director has considered Akins' history and all of the circumstances surrounding Akins' Application for licensure and exercises his discretion in summarily refusing to issue Akins' insurance producer license.
22. Granting Akins' insurance producer license would not be in the public

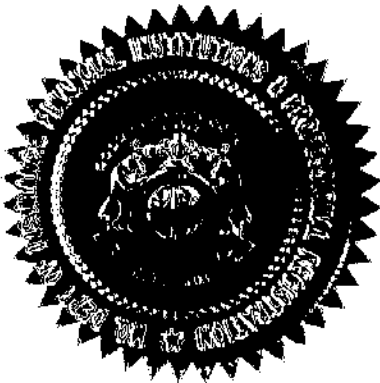
interest.

23. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of Michael D. Akins is hereby summarily REFUSED.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 7<sup>th</sup>  
DAY OF JULY, 2011.



  
JOHN M. HUFF  
DIRECTOR

### NOTICE


**TO: Applicant and any unnamed persons aggrieved by this Order:**

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to § 621.120, RSMo. Under 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

### CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July, 2011, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail No. 7009 3410 0001 9349 2662.

Michael D. Akins  
3175 Fee Fee Rd.  
Bridgeton, MO 63044

  
Kathryn Randolph